

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NORTHWELL HEALTH, INC.,

Plaintiff,

v.

ILLINOIS UNION INSURANCE  
COMPANY,

Defendant.

Case No. 20-cv-6893 (LTS) (OTW)

**DEFENDANT’S NOTICE OF SUPPLEMENTAL AUTHORITY**

In further support of its pending motion to dismiss (ECF No. 23), Defendant Illinois Union Insurance Company respectfully submits a recent decision from the United States District Court for the District of Arizona. The decision, *London Bridge Resort LLC v. Illinois Union Insurance Company*, No. CV-20-8109-PCT-GMS, ECF No. 22, 2020 WL 7123024 (D. Ariz. Dec. 4, 2020), is attached as Exhibit A.

In *London Bridge*, the court interpreted a Premises Pollution Liability Insurance Policy containing a definition of “pollution condition” that is materially identical to the definition at issue in this action. The *London Bridge* court “ha[d] little trouble concluding that no plausible interpretation of ‘traditional environmental pollution’ includes a virus outbreak.” *London Bridge*, 2020 WL 7123024, at \*3. The *London Bridge* decision accepts arguments identical to those made by Illinois Union’s briefs in support of its pending motion to dismiss. (See Def.’s Mem. in Supp. of MTD at 11-13, ECF No. 24; Def.’s Reply Mem. at 3-4, ECF No. 38.) *London Bridge*

cites some of the New York authorities relied upon by Illinois Union and dismisses an insured's COVID-19-related claim for coverage. *London Bridge*, 2020 WL 7123024, at \*2, \*4.

Dated: New York, New York  
December 8, 2020

Respectfully Submitted,

/s/ Charles Scibetta

Charles Scibetta

Eli Meltz

**CHAFFETZ LINDSEY LLP**

1700 Broadway, 33rd Floor

New York, NY 10019

Tel. (212) 257-6960

Fax (212) 257-6950

charles.scibetta@chaffetzlindsey.com

eli.meltz@chaffetzlindsey.com

Kevin Haas

**CLYDE & CO US LLP**

The Chrysler Building

405 Lexington Avenue

New York, NY 10174

Tel. (212) 710-3900

Fax (212) 710-3950

kevin.haas@clydeco.us

*Attorneys for Defendant Illinois Union  
Insurance Company*